

SECOND PHASE OF WSIS, 16-18 NOVEMBER, TUNIS
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Thank you Mr. Chairman, your Excellencies, and distinguished participants.

I represent IP Justice, an international civil liberties organization that promotes balanced intellectual property law and freedom of expression in cyberspace.

What an exciting time we live in! The Internet has created an unprecedented opportunity to distribute knowledge, culture, and information to all, at near zero cost.

How *lucky* we are to witness the emergence of this tool that enables the free exchange of ideas, creativity among citizens, and education for the impoverished.

The Universal Declaration of Human Rights guarantees all citizens the right to freedom of expression in any medium, regardless of frontiers. Although written half a century ago, this pledge foreshadows the struggles we now face over cyberspace. On the Internet, we must fight just to hold on to the same freedoms long guaranteed in traditional space.

One of the greatest threats to freedom of expression in an information society is over-zealous efforts to control intellectual property.

Let's be clear: Intellectual property rights are not human rights, they are private monopolies on information. If calibrated too high, these monopolies stifle the very creativity they were designed to foster.

The global trend is to increase the duration and the scope of IPR 'protections', while eroding the limitations to those monopolies. These policies overwhelmingly benefit wealthy countries, at the expense of the poorer nations.

Today we have laws that outlaw discussing or publishing information that *could* be used to bypass "digital locks" on media. Computer scientists have been threatened with litigation, and in some cases, even arrested.

Facts can now be "owned" under new database rights that wall off public information for the exploitation of a single company.

Copyright terms are endlessly extended to prevent works from ever passing into the public domain, where all may freely benefit from them.

Trademark rights over Internet domain names are routinely used to attack free speech.

Software patents threaten technological innovation, and small businesses are afraid to write software that *might* use a proprietary algorithm.

Yes, we can build an information society with greater restrictions on the free flow of information. But at what cost? We must recognize the costs to society of these monopolies and weigh them against their benefits.

We want an information society that encourages collaboration through free and open source software, or the Creative Commons' sharing of music, video, and text.

We want business models that actually pay creators a living wage. We can do better than the lip-service currently paid to creators by publishers who own, exploit, and control *our* culture.

We need policies that create a vibrant public domain from which all receive cultural and intellectual nourishment.

We face a crucial question: Do we build an information society with more fences, taller walls, and stronger chains? Or do we create a new world that encourages collaboration, innovation, creativity, and sharing of knowledge?

Will we be guided by our *fear* of the uncertainties of new technologies? Or by our *hope* for the possibilities of a future information society? The choice is ours and the stakes are high.